

In the Drawings

Applicants have amended the drawings by adding new FIG. 6, which shows a marker near a tip of a catheter. A replacement drawing sheet is enclosed.

REMARKS

Summary of the Office Actions

Claims 12 to 21 are pending in the application.

Claims 12-13 and 17-20 have been rejected under 35 U.S.C. 102(b) as allegedly anticipated by European Patent Application Publication No. 0 597 506 A1 to Sugiyama ("Sugiyama").

Claims 12-13, 16, and 18-20 have been rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 6,129,708 to Enger ("Enger").

Claims 12-14, 17, and 19-21 have been rejected under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent Publication No. 20020007146 or U.S. Patent No. 6,500,147 to Omaleki et al. ("Omaleki").

Claims 12-13, and 15-20 have been rejected under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 6,520,934 to Lee et al. ("Lee").

Applicants' Response

In this paper, Applicants have:

- amended the title to correct a misspelling;
- proposed adding new FIG. 6 in response to the objection to the Drawings at page 2 of the Office Action;

- amended the specification to accommodate the new FIG. 6;
- amended claim 12 to improve the form thereof and to incorporate subject matter from claim 13;
- canceled claim 13; and
- added new claims 22-30 to address additional features of the claimed invention.

No new matter is added by the changes.

New FIG. 6 has been added to show marker 21 disposed on tip 20 of the catheter. Support for the new FIG. 6 is found in the specification at page 5, lines 5 to 14. Because the features of claim 21 are now shown in the drawings, it is respectfully requested that the objection to the drawings be withdrawn.

Rejections Under
35 U.S.C. §102

A claim is anticipated by a reference only if the reference discloses each and every element as set forth in the claim, in as complete detail as is contained in the claim, and arranged as required by the claim. See MPEP § 2131.

Claim 12 has been amended to recite a marker "made from a wire of a highly radiopaque and ductile material wrapped around the inner tube to form a coil-like marker that is

flexible along a longitudinal axis of the inner tube." Support for the amendment is provided in the specification in claim 13, as well as in FIG. 1 and the corresponding description at page 4 of the specification.

Claim 12 thus requires a marker formed of a wire coil, wherein the wire coil is flexible along the axis of the coil. Sugiyama discloses a wire coil configured "as a reinforcement for preventing the inner tube within the expansible member from flexing or collapsing at its bend portion." See column 12, lines 27-31. Thus, Sugiyama discloses the opposite of what is required by claim 12. It is respectfully submitted, therefore, that Sugiyama is distinguished by claim 12, as well as by claims 13-21 which depend therefrom. Accordingly, it is requested that the rejection of claims 12-13 and 17-20 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Enger discloses that a radiopaque marker band may be mounted on a distal segment of a catheter, but provides no further details as to the construction or characteristics of the marker band. See column 5, lines 55-65. Thus, Enger fails to disclose the features of claim 12 in as complete detail as required by claim 12. It is respectfully submitted, therefore, that Enger is distinguished by claim 12, as well as by claims

13-21 which depend therefrom. Accordingly, it is requested that the rejection of claims 12-13, 16, and 18-20 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Claim 12 requires an inner tube, an outer tube, a balloon, and at least one marker on the inner tube. In contrast, Omaleki only discloses a single tube. It is respectfully submitted, therefore, that Omaleki is distinguished by claim 12, as well as by claims 13-21 which depend therefrom. Accordingly, it is requested that the rejection of claims 12-14, 17, and 19-21 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Lee also only discloses a single tube catheter, and fails to disclose a catheter having an outer tube and an inner tube as required by claim 12. It is respectfully submitted, therefore, that Lee is distinguished by claim 12, as well as by claims 13-21 which depend therefrom. Accordingly, it is requested that the rejection of claims 12-13 and 15-20 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

New Claims

New claims 22-30 require "a marker made from a wire of a highly radiopaque and ductile material, wherein the wire is

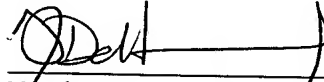
wrapped in a plurality of at least partially overlapping layers such that the marker is flexible along a length of the catheter." None of Sugiyama, Enger, and Lee disclose a marker comprising multiple overlapping wire layers. Omaleki discloses overlapping wire coils. See items 130, 132 in FIG. 5. Where the coils overlap they are connected together by adhesives, soldering, welding, or brazing. Because the coils are connected, the coils would not be flexible in the region of overlap. Therefore, the overlapping coils disclosed by Omaleki cannot be a marker comprising overlapping layers of wire in which the marker is flexible along a length of the catheter as required by claim 22. Accordingly, it is respectfully submitted that the art of record is distinguished by claim 22, as well as by claims 23-30 which depend therefrom.

Conclusion

In view of the foregoing amendments and remarks, applicant submits that the present application is in condition for allowance. An early and favorable action is earnestly requested.

Dated: January 16, 2007

Respectfully submitted,



Michael J. DeHaemer, Jr.
Reg. No. 39,164
Attorney for Applicant

LUCE, FORWARD,
HAMILTON & SCRIPPS, LLP
11988 El Camino Real, Ste 200
San Diego, California 92130
Tel.: (858) 720-6340
Fax: (858) 350-3586

3778917.1